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(D.—N. Y.)

U. S. House of Representatives

FOR RELEASE
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STATEMENT OF SPECIAL SUBCOMMITTEE
ON JUSTICE DOUGLAS INVESTIGATION

Representative Emanuel Celler, Chairman of the Special Subcommittee on H. Res. 920, and of the Committee on the Judiciary, made the following statement on behalf of the Subcommittee members with respect to the activities of the Special Subcommittee and the procedures applicable to this investigation. The members of the Special Subcommittee on H. Res. 920 are: Emanuel Celler (New York), Chairman; Byron G. Rogers (Colorado); Jack Brooks (Texas); William M. McCulloch (Ohio); and Edward Hutchinson (Michigan).

Mr. Celler said:

"Since its appointment on April 21, 1970, the Special Subcommittee, and its staff, has worked carefully and assiduously to examine each lead and to ferret out all pertinent facts that are relevant to the charges that have been made on the conduct of Associate Justice William O. Douglas.

"A comprehensive report on the status of the Special Subcommittee's investigation was made on June 20, 1970. Since its First Report, the Special Subcommittee has pursued this investigation in the Department of State, the Central Intelligence Agency, as well as the Department of Justice. In addition, numerous conferences have been held with representatives of the Internal Revenue Service, the Central Intelligence Agency, with Ed Levinson, and with individuals related to the leads to information that previously had been provided by Representative Gerald R. Ford. Further, the Special Subcommittee has continued its examination of the files of Justice Douglas.

"The Special Subcommittee has not delayed or hesitated in any respect in its attempt to collect all relevant documentary and factual materials.

"The Special Subcommittee, however, has not received full cooperation from some of the Executive Departments. Such cooperation is essential for expeditious resolution of the issues. This lack of cooperation has impaired the ability of the Special Subcommittee to complete its assigned task.

"On June 20, 1970, the Special Subcommittee requested the Department of State to provide relevant documentary and factual material. As of August 5, 1970, no information had been supplied by the Department of State pursuant to this request.

"The CIA was requested on June 22, 1970, to provide relevant documentary and factual materials. On July 15, 1970, Richard Helms, Director, wrote a letter in response to the Special Subcommittee's request, but declined to furnish any documentary or factual materials from the CIA's files. Three conferences have been held with representatives of the CIA in an effort to arrive at a mutually satisfactory accommodation by which materials and information in the files of the CIA could be made available for this investigation. The CIA has to date furnished nothing from its files.

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"Department of Justice cooperation is in essentially the same posture that was described in the First Report of the Special Subcommittee. There have been further conferences and correspondence with Attorney General Mitchell, but as of August 5, 1970, the Department still has not supplied the documentary and factual materials the Special Subcommittee has requested.

"These delays and obstructions have hampered the Special Subcommittee in this investigation and hindered the completion of its task. In the light of the lack of cooperation from the Executive Branch, criticism of the Special Subcommittee is not justified.

"A brief summary of the procedures that have been adopted by the Special Subcommittee in this investigation is appropriate. Impeachment of a member of the United States Supreme Court is a serious matter and should not be undertaken irresponsibly or in the absence of complete knowledge of all relevant facts. In this investigation, the Special Subcommittee seeks to avoid any criticism of partisan politics. Every effort is being made to pursue this investigation in a professional, objective and orderly manner.

"As the First Report makes clear on page 1, the Special Subcommittee on H. Res. 920 has been appointed and operates under the Rules of the House of Representatives. During the initial stages of this investigation, the Special Subcommittee will operate under procedures established in paragraph 27, Rules of Committee Procedure, of Rule XI of the House of Representatives. These procedures will be followed.

"Phase I of the Special Subcommittee's investigation is a preliminary inquiry to collect all of the documentary and factual materials that bear upon any of the charges within the scope of H. Res. 920. To this end, the Special Subcommittee has requested information from every other known source who may be in a position to provide relevant materials.

"In Phase I, the investigation is ex parte. The purpose of the preliminary inquiry is to enable the Special Subcommittee to determine what course of action it can recommend to the full Judiciary Committee on the basis of the facts. The preliminary inquiry is analogous to the investigation that is necessary to make a determination that sufficient facts exist to warrant bring a matter to the attention of a Grand Jury.

"Phase I is not yet completed. Sources, primarily in the Executive Branch, that possess relevant information thus far have not complied with the Special Subcommittee's requests. Until these factual materials are supplied to the Special Subcommittee, the preliminary inquiry stage of this investigation cannot be completed.

"Phase II is the next step in the investigation. When the Special Subcommittee is satisfied that the facts indicate that an impeachable offense may have been committed, a recommendation will be made that the Judiciary Committee authorize the formal proceedings that look toward the impeachment in the Senate of a United States Supreme Court justice. Public hearings would be in order in Phase II.

"Prior to public hearings, the Special Subcommittee would adopt procedures appropriate to the particular facts and circumstances of this case. Such procedures would involve resolution of such questions, among others, as:

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"The role of counsel for the parties;

"Whether public hearings should be conducted by the Special Subcommittee or by the full Judiciary Committee;

"Applicable hearing procedure rules, including the right to cross examine witnesses;

"Whether hearing sessions should be open or closed.

"During public hearings in an impeachment investigation, of course, testimony would be under oath. Attendance by relevant or material witnesses would be compelled by subpoena.

"Phase III would come at the conclusion of the Judiciary Committee's investigation. In Phase III, the Judiciary Committee would render its report to the House. The Report would contain a recommendation on H. Res. 920. If warranted, the Judiciary Committee Report would contain a specific statement of the charges to be submitted to the Senate.

"This statement reflects the current status of the Special Subcommittee's investigation and the procedures that are being followed. All of the members of the Special Subcommittee hope that greater cooperation will be forthcoming and that delays that impair the Special Subcommittee's progress may be removed so that a definite recommendation shortly may be made to the Committee on the Judiciary."

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